



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

July 17, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
PHASE III - FINAL EIR/COMPREHENSIVE WASTEWATER MANAGEMENT PLAN

PROJECT NAME	: Chatham Comprehensive Wastewater Management Plan
PROJECT MUNICIPALITY	: Chatham
PROJECT WATERSHED	: Cape Cod
EOEA NUMBER	: 11510
PROJECT PROPONENT	: Town of Chatham
DATE NOTICED IN MONITOR	: June 10, 2009

As Secretary of Energy and Environmental Affairs, I hereby determine that the Phase III - Final Environmental Impact Report (FEIR) submitted on the above project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

Project Overview

The Town of Chatham's comprehensive wastewater management planning process has been undertaken for the purposes of:

- 1) Evaluating and planning for the impacts to the Town's marine and freshwater resources from existing development and anticipated future residential and commercial growth in the Town of Chatham over the 20-year project planning period (ending in 2030);
- 2) Evaluating and quantifying the Town of Chatham's existing and future contributions to nitrogen loading of coastal embayments and freshwater ponds from on-site septic systems over the project planning period;

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The FEIR indicates that two rare species; the Pine Barrens Bluet (*Enallagma Recurvatum*) and the New England Bluet (*Enallagma Laterale*), have been located within the vicinity of the northern border of the facility which may require further review and future inclusion in the MA Natural Heritage Atlas. According to NHESP's comments on the FEIR, portions of the Town's sewer expansion project may include mapped Priority Habitat. NHESP anticipates being able to address any potential concerns associated with the Town's proposed sewer expansion project through the MESA review process. Should NHESP subsequently find that the project will require a Conservation and Management Permit pursuant to the Massachusetts Endangered Species Act (MESA), the Town will need to notify the MEPA Office to explain these impacts and discuss the Town's avoidance/mitigation strategies. I ask that the Town continue to work closely with NHESP and the Chatham Conservation Commission to identify those portions of the Town's Phase 1 and Phase 2 construction activities that that may require MESA review and to identify necessary project construction and post-construction conditions and commitments to avoid an adverse impact to the habitats of state-listed species.

Historical/Archeological Resources

In comments submitted on the FEIR, the Massachusetts Historical Commission (MHC) has requested that the Town provide the MHC with a US Geological Survey topographical map that locates the Town's phased project area and scaled project plans showing existing and proposed conditions to enable MHC to determine if pump stations and other sewer project elements are located within and/or adjacent to recorded archeological sites and archaeologically sensitive areas. These plans should be submitted to MHC as early as possible during the design phase corresponding to each project development phase. If MHC deems the project to have an "adverse effect" on historic or archaeological resources, the Town will need to notify the MEPA Office to describe the Town's commitment to work with MHC to implement appropriate avoidance/mitigation strategies.

Sewering and Growth Management

The FEIR/Final CWMP includes a discussion of the potential future build-out of the proposed Phase 1 and Phase 2 sewer areas and the consistency with Executive Order #385 which discourages unintended growth within areas planned for sewerage. In May 2005, the Town passed a new section of the Town of Chatham's *Rules and Regulations of the Sewer Department* designed to limit new growth that might occur in newly sewerage areas of Chatham. As described in the FEIR, the Town has adopted a 'flow-equivalent' regulation that would limit the development or redevelopment of existing properties by restricting the number of bedrooms allowed to the number of bedrooms the property is currently allowed under Title 5 and local zoning.

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I encourage the Town of Chatham to consider additional growth control by-laws, regulations, and policies and note that the Town of Orleans has recently proposed (EEA #14414, May 6, 2009) to implement a "checkerboard" sewer connection by-law that will enable the Town of Orleans to select specific lots that will be connected to the municipal sewer system and lots that do not need sewerage and therefore will not be allowed to connect to the new sewer system. The Town should adopt any proposed growth by-laws, regulations, and policies prior to the construction of any new sewers extensions.

The Town of Chatham's recommended CWMP proposes to extend sewers to areas of Chatham characterized as coastal floodplains and barrier beaches. In its previous comments on the Town's Phase II - Draft CWMP/DEIR submittal, Massachusetts Coastal Zone Management (CZM) indicated that the Town successfully demonstrated that the proposed sewerage project has been designed to eliminate or minimize potential storm damage risks associated with sewerage barrier beach areas by locating proposed pump stations outside of the 100-year flood zone and protecting this portion of the Town's proposed sewer collection system from potential wave action. As described in the FEIR, the Town has committed to incorporate a system of check valves into the new sewer collection system for barrier beach areas to minimize impacts in the event of a storm-related breach to the collection system.

Costs to Homeowners

As described in the FEIR/Final CWMP, the Town's proposed sewer expansion program will be constructed in two phases over 30 years and will cost an estimated \$340 million dollars. The estimated operation and maintenance costs for the proposed sewer expansion program total approximately \$38 million dollars. Each property owner connecting to the sewer system will incur a one-time connection cost averaging between \$3,000 and \$10,000 depending upon the distance of their home/business from the street, and an average monthly sewer utility cost of approximately \$30.00 - \$40.00. The project's capital costs will be paid through property taxes. Based on an estimated average Chatham property value of \$600,000, the estimated property tax increase for Fiscal Year (FY) 2012 is \$102.00 and will gradually increase to \$210.00 in FY 2017. The Town anticipates smaller tax increases through FY 2033 and a decline in taxes associated with the sewer project from FY 2033 - 2054. I note the comments received from the Chatham Concerned Taxpayers and others pertaining to the project's estimated cost to homeowners. The Town should continue its public participation program to ensure that the Town's residents will continue to be afforded the opportunity to provide input in the final design and cost effectiveness of the Chatham CWMP.

Future Sewer Expansion

The Town's CWMP has been designed to also accommodate potential future additional wastewater flows from portions of the neighboring town Harwich.

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I commend the Town for undertaking a study of potential regional approaches to address the wastewater treatment and disposal needs for the Towns of Chatham and Harwich, and the regional issues pertaining to nutrient loading, wastewater treatment and disposal affecting the Pleasant Bay coastal embayment. I ask the Town of Orleans, together with the Town of Harwich to the west to work together with MassDEP, the Cape Cod Commission and others to continue the discussion of possible opportunities to integrate the Town of Chatham's wastewater treatment planning efforts with the planning efforts being undertaken by the Town of Harwich.

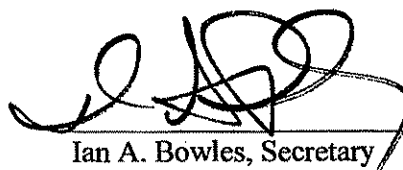
Mitigation

The FEIR provides a detailed description of the Town's proposed mitigation plan, and discusses the value of the proposed mitigation in terms of the resources it provides and the opportunities for open space protection, and active and/or passive recreation it affords.

Conclusion

After a thorough consideration of the comments received from MassDEP, the Cape Cod Commission, the Town of Chatham and others, I am satisfied that any outstanding design issues relating to sewer layout and construction phasing will be fully considered and addressed during state and local permitting. As noted elsewhere in this Certificate, the Town should continue to work closely with MassDEP, CCC and the Pleasant Bay Alliance during final project design.

July 17, 2009
DATE



Ian A. Bowles, Secretary

Comments received:

06/22/09	Massachusetts Historical Commission (MHC)
07/02/09	Natural Heritage and Endangered Species Program (NHESP)
07/10/09	Massachusetts Department of Environmental Protection (MassDEP) – SERO
07/06/09	Town of Chatham, Water & Sewer Departments
07/06/09	Cape Cod Commission (CCC)
07/09/09	Town of Chatham, Office of the Town Manager
07/10/09	Chatham Concerned Taxpayers
07/10/09	Pio Lombardo

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